

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 DHA-02 ACDA-07 DPW-01 CIAE-00  
INR-07 NSAE-00 SCA-01 ERDA-05 OIC-02 OES-06 /048 W  
-----180724Z 086925 /10

R 171801Z MAR 77  
FM USMISSION GENEVA  
TO SECSTATE WASHDC 6019  
AMEMBASSY BONN  
INFO SECDEF WASHDC  
USMISSION NATO

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E.O. 11652: N/A  
TAGS: PFOR  
SUBJECT: LAWS OF WAR - GERMAN CONCERNS WITH DRAFT PROTOCOL

1. SUMMARY: CONCERNS BY GERMAN DEFENSE MINISTRY WITH RESPECT TO DRAFT PROTOCOL ON LAWS OF WAR HAVE LARGELY BEEN OVERCOME. IN PART,FRG FOREIGN OFFICE HAS PREVAILED OVER DEFENSE MINISTRY, AND IN PART OUR EXPLANATIONS OF MEANING OF CONTROVERSIAL PROVISIONS HAVE SATISFIED GERMAN WORRIES. HOWEVER, GERMANS WILL NEED TO STATE CERTAIN UNDERSTANDINGS AT TIME OF SIGNATURE, AND THEY HOPE THAT NATO ALLIES WILL JOIN THEM IN THESE STATEMENTS. WE SHALL CONTINUE DURING GENEVA CONFERENCE TO WORK OUT WITH FRG DEL THESE STATEMENTS OF UNDERSTANDING, AND THEY SHOULD PROVIDE BASIS FOR COMMON INTERPRETATIONS TO BE GIVEN NATO MILITARY COMMITTEE AS A BASIS FOR ITS SEPARATE STUDY (SEE SEPTTEL).  
END SUMMARY

2. FRG HEAD OF DELEGATION, AMB. ROBERT, TOLD ALDRICH THAT, AFTER DIFFICULT ARGUMENT, FRG DEFENSE MINISTEY OBJECTIONS TO DRAFT PROTOCOL ON INTERNATIONAL ARMED CONFLICTS HAD LARGELY BEEN OVERCOME. HE SAID THAT USG EFFORTS TO  
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EXPALIN OUR INTERPRETATIONS HAD BEEN MOST HELPFUL IN THIS REGARD BUT THAT THE FOREIGN MINISTRY HAD STILL HAD A TOUGHT FIGHT.

3. ROBERT SAID THAT PRICE FOR DEFENSE MINISTRY CONCURRENCE WAS AGREEMENT THAT FRG WOULD BE PREPARED, DURING FINAL PLENARIES AND AT TIME OF SIGNATURE, TO MAKE A NUMBER OF

STATEMENTS OF UNDERSTANDING, COVERING THE MOST DIFFICULT ISSUES. FRG HOPED THAT USG, AND INDEED ALL NATO ALLIES, WOULD MAKE IDENTICAL STATEMENTS. ALDRICH ASSURED ROBERT THAT WE WOULD TRY TO WORK OUT AGREED TEXTS OF THESE STATEMENTS AND CONVINCE OTHER ALLIES TO ACCEPT THEM. FRENCH, BRITISH AND CANADIAN DELS HAVE AGREED TO JOIN IN THIS DRAFTING EFFORT DURING THE GENEVA CONFERENCE. WE SHALL INCLUDE OTHER NATO DELS WHEN AGREEMENT ON TEXTS HAS BEEN REACHED IN THIS SMALLER GROUP.

4. IT IS UNDERSTOOD THAT THESE AGREED STATEMENTS WILL ALSO PROVIDE MUCH OF THE NECESSARY INTERPRETIVE BASIS FOR A STUDY BY THE NATO MILITARY COMMITTEE OF THE IMPLICATIONS OF THE PROTOCOL. THIS STUDY WILL BEGIN ONLY FOLLOWING THE CONCLUSION OF THE GENEVA CONFERENCE IN JUNE. SORENSON

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## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009